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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,120	07/18/2003	Luke K. Liang	Vision 105P	4462

7590 09/22/2004

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EXAMINER

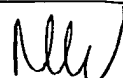
STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,120	LIANG ET AL.	
	Examiner	Art Unit	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the window and the door must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 19, 10, 21 and 29. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because reference character 17 in figure 2 does not include a lead line. The figures are objected to because the applicant has failed to use the proper cross sectional shading or has failed to use cross sectional shading. See figures 24 and 10, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

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appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "17" has been used to designate both a lip in figure 1 and a pin in figure 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "[t]he present invention is directed to an improved" on line 1 can be easily implied and therefore should be deleted. The legal phraseology "means" or "said" on lines 6 and 10 should be avoided. On line 3, "the recess" is confusing since it is unclear what element of the invention includes the recess to which the applicant refers. On lines 5-6, "[w]hen the tumbler is in an extended position" is confusing since it implies that the tumbler only has the apex when it is in the extended position. On line 7, it is suggested that the applicant insert a comma following the second occurrence of "position" to avoid confusion. On line 13, "is in a lowered" is grammatically awkward and confusing. On line 14, "a raised position" is confusing since it is unclear if the applicant is referring to the extended position set forth above or is attempting to set forth another position in addition to the one set forth above.

Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On line 18 of page 6, recitations such as "A-A" should be changed to indicate which figure shows the cross sectional view. For example, "A-A" on line 18 of page 6 should be changed to --10-10-- to indicate that figure 10 shows the cross sectional view. On line 13 of page 6, it appears that a punctuation mark following "removed" is missing. Recitations such as "Figure1" on line 5 of page 7 appear to be typographical errors. The applicant should avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 17 as "a lip portion" on line 12 of page 9 and as "an opening" on line 16 of page 9. Finally, the specification does not include a description for figure 17A.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should be amended to remove the recitation "improved".

Claim Objections

Claims 5-8 and 10-13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Since the applicant is claiming the subcombination of the vent stop limitations to the sliding member do not further limit the structure of the vent stop. It is suggested that the

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applicant claim the combination of the vent stop and the particular type of sliding member to remedy this problem. Additionally, claim 1 is objected to because it appears that the end of line 12 is missing a punctuation mark.

Claim Rejections - 35 USC § 112

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “spring means” on line 10 of claim 1 render the claims indefinite because it is unclear if the applicant is invoking 35 USC 112 sixth paragraph. The function set forth by the recitations following “means” implies that the applicant intends to invoke 35 USC 112 sixth paragraph, however, the recitation “spring” on line 10 provides the structure for performing the function which indicates that the applicant does not wish to invoke 35 USC 112 sixth paragraph. Recitations such as “for causing” on line 11 of claim 1 render the claims indefinite because it is unclear how the release member can cause the tumbler to be in the raised position when it appears that the spring causes the tumbler to move while the release member merely allows the spring to move the tumbler. Recitations such as “a raised position” on lines 11-12 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the extended position set forth above or is attempting to set forth another position in addition to the one set forth above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelly et al. Kelly et al. discloses a vent stop comprising a housing 12 including a cavity (not numbered, but shown in figure 2), a tumbler 10 disposed in the cavity, the tumbler including a protruding apex (not numbered, but shown in figure 2) at the top thereof, pivot means 11 for pivotally securing the tumbler to the housing for movement between an extended position where a front face of the tumbler overlies an edge of the sliding member to prevent movement of the sliding member past the front face of the tumbler, and a retracted position within the cavity where the sliding member can be moved past the tumbler, a spring means 27 for biasing the tumbler into the extended position, and release member 21 that has a first position for causing the tumbler to be retained in a lowered position, wherein the housing further comprises a button 25 which when pressed causes the release member to move from the second position to the first position thereby causing the tumbler to be in a raised position. Since the applicant is claiming the subcombination of the vent stop limitations to the combination, i.e., the type of sliding member in which the vent stop is mounted, do not further limit the subcombination of the vent stop.

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Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown. Brown discloses a vent stop comprising a housing 2 including a cavity (not numbered, but shown in figure 2), a tumbler 7 disposed in the cavity, the tumbler including a protruding apex (not numbered, but shown in figure 2) at the top thereof, pivot means 8 for pivotally securing the tumbler to the housing for movement between an extended position where a front face of the tumbler overlies an edge of the sliding member to prevent movement of the sliding member past the front face of the tumbler, and a retracted position within the cavity where the sliding member can be moved past the tumbler, a spring means 11 for biasing the tumbler into the extended position, and release member 13 that has a first position for causing the tumbler to be retained in a lowered position, wherein the housing further comprises a button 17 which when pressed causes the release member to move from the second position to the first position thereby causing the tumbler to be in a raised position.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matz et al., Bratcher et al., Simpson, Prete et al., Adams et al., Serrano, Curl, Turman, Anderson, Foley, Phelps, Hoyt, Mellen, Andrews, Cater and Grover are cited for disclosing stops for closures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-

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305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish at the end.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
September 17, 2004